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SUBJECT: GVN SHUTS DOWN ANTI-FRAUD TRIP, INTIMIDATES CONSULATE STAFF

REF: (A) Hanoi 239, (B) Hanoi 622, (C) Hanoi 997

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11. (SBU) SUMMARY: On October 4, Security officials in An Giang province threatened post's acting Fraud Prevention Manager (FPM) and accompanying locally employed staff (LES) with arrest and placed them in harm's way by evicting them from their hotel late at night. The security officials also attempted to force our staff to depart the province via dangerous roads after already having driven a full day. These events capped a trip during which the Fraud Prevention Unit (FPU) team were actively harassed, surveilled, and otherwise prevented from carrying out their work by local Vietnamese foreign affairs and public security officials. Despite post's efforts to comply with GVN notification requirements prior to provincial travel, local authorities in five of eight provinces visited blocked consulate personnel from completing their work. Local officials also questioned and intimidated visa applicants visited by consular staff. In response to official protests, Ho Chi Minh City and Hanoi-based GVN officials acknowledged that our personnel should not have been removed from the hotel and apologized for that aspect of the incident. While MFA officials probably did not intend for security officials to place Consulate personnel at risk, most of the interference the FPU team encountered appears to have been orchestrated by MFA officials determined to compel HCMC-based U.S. personnel to follow notification and approval requirements which we find unacceptable. END SUMMARY.

BACKGROUND

12. (SBU) Post's Fraud Prevention Unit (FPU) has a backlog of approximately 1,200 immigrant visa cases, out of which 125 have already been marked for site verification visits to confirm information provided by petitioners and beneficiaries in conjunction with beneficiaries' visa applications. Approximately thirty of those 125 cases have been pending at post since before 2006; 24 of those 30 were selected for site visits during the week of 1-5 October 2007. During site visits, HCMC personnel attempt to undertake unannounced interviews of residents in the area to determine the bone fides of case. In may past cases, these investigations have uncovered fraud that leads to cases being dismissed.

NOTIFYING THE GVN

13. (SBU) The Government of Vietnam requires that post notify the Ho Chi Minh City Office of External Relations (ERO-HCMC) five days prior to any official travel outside the HCMC city limits. Numerous GVN diplomatic notes (reftels) include a requirement that the GVN approve all travel prior to its being undertaken.

Mission Vietnam has routinely ignored this requirement on the grounds that such approvals should not be required. In addition, Mission Vietnam ignores occasional GVN requests to provide detailed information on all persons to be met on such trips on the principle that it is impossible to know this information in advance and giving out such information would destroy the effectiveness of the investigation process.

¶4. (SBU) In the current instance, Post sent a dipnote to ERO-HCMC on 24 September 2007, providing the names of ConGen staff planning to participate in a routine consular trip scheduled to begin on 1 October 2007. The note listed the names of staff participating in the trip as well as the names of eight provinces to be visited but did not provide a complete listing of the names and contact information for every IV petition beneficiary to be contacted during the trip. On 27 September 2007, ConGen faxed a copy of that dipnote to the EROs in each province to be visited. That same day, ERO-HCMC informed ConGen that its notification was insufficient because it lacked a "detailed schedule" of the trip. Post responded via diplomatic note on 28 September 2007 that ConGen staff would be conducting routine consular work and that no assistance would be required. (Note: The exchange mirrored the exchange that took place in connection with every FPU trip in recent years.) Also on 28 September, post faxed the province-by-province itinerary for the trip (but not the specific people and addresses to be visited) to HCMC-ERO.

TIEN GIANG AND CAN THO: SURVEILLANCE BUT NO INTIMIDATION

¶5. (SBU) FPU team conducted two successful site visits in Tien Giang province. ConGen staff noticed obvious plainclothes surveillance upon departure from the second location, but officials following the team did not attempt to communicate with ConGen staff or interfere with the site visits. As the trip proceeded, however, problems from the authorities increased in frequency and intensity.

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¶6. (SBU) Next, ConGen staff conducted one site visit in Can Tho City. While the FPU Team did not perceive any attempt to monitor or interfere with their activities, they later learned that plainclothes officials had questioned staff and others in the hotel where they had stayed and interviewed one person. ConGen staff noticed between four and six plainclothes "motorbike drivers" (a common cover for Ministry of Public Security--MPS--minders) following them for the duration of their stay in the city.

KIEN GIANG: INTERFERENCE BUT NO INTIMIDATION

¶7. (SBU) The next stop was Kien Giang province, where two officials from ERO-Kien Giang and two uniformed immigration officials, accompanied by four uniformed police officers, stopped FPU team from completing a site visit. The officials informed the team that they did not have authority to visit visa applicants at their homes, and suggested that FPM interview the applicant at the Consulate General. The Kien Giang officials were courteous and professional; they appeared sincerely troubled by their lack of authority to find a compromise solution that would allow ConGen to continue its activities in the province.

BEN TRE, VINH LONG AND SOC TRANG:
INTIMIDATION AND INTERFERENCE

¶8. (SBU) After completing one site visit in Ben Tre province, FPU team was stopped outside the applicant's residence by two plainclothes officials and two uniformed policemen. The four officials blocked all exits from the house and forced the FPU team back inside. The two uniformed police officers stood outside the door while the two plainclothes officials spoke to

the FPU team.

¶9. (SBU) One plainclothes official questioned FPU Investigator and wrote down FPM's name and GVN ID number. The official informed FPU team that Ben Tre province had not granted them permission to operate in the province. FPM explained the notification procedures completed by ConGen HCMC before departure (para 3), but the official nonetheless filled out a report stating that the team had been caught operating without authority in Ben Tre province, and told FPM that they would not be allowed to leave until they signed it. FPM declined to sign the report, and the official instructed the two uniformed police officers to block the exit and begin videotaping the exchange. The plainclothes official then forced the applicant (who had been instructed to sit silently throughout the confrontation) to sign the report. The applicant complied.

¶10. (SBU) In an attempt to diffuse the situation, FPM called ERO-HCMC Deputy Head of Consular Affairs Doan Tuan Linh. Linh stated that the FPU team was operating without authority and that ERO-HCMC would not notify or grant approval for ConGen's activities until ConGen provided full name and address details for all persons to be visited. Linh said that he would not assist FPU team in Ben Tre province because ConGen had refused to provide information necessary to obtain ERO-HCMC assistance. Linh stated that local officials had been advised by ERO HCMC that ConGen team would be visiting their provinces without proper authority.

¶11. (SBU) In Vinh Long and Soc Trang provinces, officials stopped site visits in-progress. Officials in both provinces remained civil but firm, maintaining that ConGen staff did not have authority to operate there. ConGen staff noticed significant plainclothes surveillance in both provinces before and after the unsuccessful site visits. In Soc Trang, plainclothes officials were accompanied by uniformed immigration authorities and police.

¶12. (SBU) One visa applicant whose interview was interrupted by the unannounced visit by local authorities was so troubled by the incident that she delivered a letter of apology to post the following day. In her letter, she wrote: "I apologize to you for the unexpected problem; please sympathize with me. This happened beyond my control and I do not know why he did this. At that time, I was so confused and surprised that I could not even determine if the man was a policeman or not...I am contacting the local authorities in order to ask them to provide favorable conditions so the consular officer can deal with my case."

AN GIANG: HARASSMENT AND EVICTION

¶13. (SBU) The FPU Team successfully interviewed three applicants

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in the lobby of their hotel in An Giang province. Shortly thereafter, FPU Investigator received a call from an ERO-An Giang representative requesting an immediate meeting in the hotel lobby. The ERO-An Giang official arrived in the company of two uniformed immigration officials, five uniformed police, and several plainclothes "observers." The ERO official reiterated that ConGen staff were acting without authorization and that they must cease all work and depart the province. FPM stated that while the ConGen felt it had complied with all of ERO-HCMC's requirements, FPU team would nevertheless cease all activities in the province at once. The ERO official continued to push the FPU team for an "admission of guilt" and strongly intimated that they might be arrested and removed from the province. FPM reiterated that ConGen staff would cease official activities, but asked to delay departure until the next morning, as ConGen driver had already worked a full shift and nightfall was imminent. (Note: Post policy strongly discourages driving after dark in the provinces for safety reasons.) The ERO official agreed that the FPU team could stay overnight and depart the following morning for HCMC.

¶14. (SBU) Upon conclusion of this discussion, the ERO official excused himself. The immigration officer attempted to leave the hotel with FPM's passport. After the FPM confronted him, the officer returned the passport to the hotel reception and all of the uniformed officers departed. Fearing that his passport would be tampered with or "misplaced," FPM requested that the hotel return his passport and instead provided his GVN-issued consular identification card. FPM requested that the hotel reception make copies of all necessary documents and return the originals. The hotel receptionist called the police for approval, which was apparently granted, and all original documents were returned to FPM.

¶15. (SBU) Following an informal and unofficial restaurant dinner which was closely watched by plainclothes motorbike drivers, FPU team returned to the hotel at about 10 PM and were notified that they were being evicted and were expected to leave the province before midnight. When FPM asked the hotel receptionist why they were being asked to leave, the receptionist produced the hotel's registration book, which was annotated by the police saying that the team was not authorized to stay in the province. When FPM questioned the receptionist further, she immediately made a phone call, resulting in the nearly immediate entrance into the lobby of three uniformed immigration police. Between ten and twenty uniformed police, as well as several plainclothes motorbike drivers, congregated outside the front hotel entrance. A male member of the hotel staff stated that the hotel had been requested to ask FPU team to leave immediately, and that failure to comply would "result in arrest." Furthermore, he said, the FPU team had until midnight to leave An Giang province.

¶16. (SBU) FPU team departed the hotel lobby and loaded luggage in the ConGen vehicle. FPM consulted RSO and CG, who advised that it was unsafe to attempt a return to HCMC at night and suggested finding a well-lit area and remaining in the vehicle overnight. After driving several blocks, the FPU team realized that the only suitably lit area in town was the hotel parking lot they had just left. Returning to the lot, the team remained in the vehicle as instructed. Initially, approximately five uniformed police officers were in and around the hotel lobby. Approximately ten plainclothes motorbike drivers also remained in view of the vehicle. The hotel's security guard and two unidentified plainclothes individuals stood on the front steps of the hotel and monitored the ConGen vehicle.

¶17. (SBU) After approximately two hours, ERO-HCMC Consular Deputy Linh called FPM, stating that the situation had been resolved, that there were no longer any police or plainclothes monitors threatening the ConGen vehicle, and that the FPU Team would be allowed to stay at the hotel. When FPM questioned Linh's assertion that the vehicle was no longer being monitored, Linh said that FPM was just "nervous." (Note: During this conversation, three plainclothes officials remained on the hotel steps and approximately ten plainclothes motorbike drivers stood on the corners near the ConGen vehicle.) Linh then requested that FPU Investigator leave the vehicle and pass her cell phone to the motorbike drivers and plainclothes officials so that he could ask them to leave. After consulting with RSO, and in light of the repeated threat of arrest both in the meeting with ERO earlier in the day and in the exchange with the hotel that evening, FPM decided that it would not be prudent to send an LES staff member to negotiate with these individuals.

¶18. (SBU) Approximately fifteen minutes later, a second ERO-HCMC official called, asking for details about FPU team's interaction with the hotel and the uniformed and plainclothes officials. This official said that he was disappointed that provincial

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authorities had provided him false information about their intentions to let FPU team resume normal freedom of movement. This official again asked FPM to send FPU Investigator to talk to the plainclothes officials and to attempt to re-register at the hotel reception. On the advice of the Consul General, and

on the basis of ERO-HCMC's assurances that the officials would not attempt to arrest ConGen personnel, FPM approached the hotel receptionist. The receptionist stated that FPU team was still not welcome, and that the team had been strictly prohibited from staying in the province. During this conversation, a plainclothes official approached the desk and told the receptionist that "the conversation was over." FPM returned to the vehicle, but tried again to re-register at the hotel at approximately 2:20 AM. The hotel receptionist continued to assert that he was under strict instructions not to allow FPU Team to stay at the hotel under any circumstances. This conversation was again monitored by a plainclothes official, but the official did not intervene.

¶19. (SBU) FPU team slept in the ConGen vehicle until approximately 4:15 AM and then departed for HCMC. There was no apparent attempt to follow the vehicle out of the province; however, two different motorbike drivers were still across from the hotel when the vehicle left the parking area.

FOLLOW UP: NOTIFYING GVN OF OUR DISPLEASURE

¶20. (SBU) FPU team returned to HCMC on the morning of 4 October. The Consul General, Deputy Principal Officer and Consular Section Chief met with ERO-HCMC Deputy Director Quoc and Consular Deputy Linh the same day. The Consul General strongly protested the inappropriate and threatening actions by ERO and MPS that had endangered ConGen staff. He particularly condemned official attempts to force the employees to leave An Giang province late in the evening, which would have meant travel over unsafe provincial roads on the way back to HCMC. Separately, Embassy Hanoi protested to MFA and MPS, including via official letter to the MFA.

¶21. (SBU) During the meeting with CG, ERO Deputy Director Quoc professed to having been surprised by the incident in An Giang province. He said there is never any excuse for harassment of any foreigner, let alone a diplomat, who is attempting to spend the night in a hotel. That said, Quoc alleged that it was impossible to control local officials when the consulate had not provided complete information -- including the name, address and contact information for every person to be contacted -- to the provinces in question regarding planned trips and consular activities. Both Quoc and Linh pointedly mentioned several times that the consulate continues to operate "outside its consular district" -- i.e., outside Ho Chi Minh City proper. According to Quoc, he himself must notify the MFA in Hanoi of his own exact plans whenever he goes to Hanoi; similarly, consulate staff must provide exact details of its own meetings whenever it travels outside the province. CG countered that the issue of the parameters of the consular district are irrelevant to the issue of interference with and endangerment of our personnel. MFA and MPS officials in Hanoi took a similar line, apologizing for the incident in An Giang, but underscoring the GVN view on the need for approvals and detailed information in advance of work "out of district."

COMMENT

¶22. (SBU) While ERO officials appeared genuinely displeased with the actions of regional security officials (evicting the FPU team from their hotel and ordering their immediate departure), the response of the ERO-HCMC office also makes clear that provincial officials preventing the FPU team from carrying out their work were acting under general guidance from the ERO-HCMC office.

¶23. (SBU) Since the consulate opened, we have operated under the tension of having consular and humanitarian resettlement trips periodically disrupted or prevented by confrontations with officials in the field. At the same time, we have also been able to accomplish literally hundreds of investigations without incident, allowing us to control fraud and achieve our consular mission. The concerns in this case, however, transcend those "doing business" issues. We acknowledge that the GVN does arguably have some right under international law to limit or

restrict our interactions with Vietnamese citizens, though very few countries in today's world actually exercise such rights (reftels). The GVN does not, however, have the right to interfere with or endanger our personnel.

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NEXT STEPS

¶24. (SBU) HCMC and Hanoi are currently coordinating next steps for pushing forward with necessary anti-fraud trips. We will report the results as they develop.

¶25. (U) This cable was coordinated with Embassy Hanoi.
FAIRFAX